

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA**

**ALPHONSO RAY SMALLWOOD,**

**Petitioner,**

**v.**

**TERRY MARTIN, WARDEN,**

**Respondent.**

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**Case No. 12-CV-407-GKF-TLW**

**MOTION TO DISMISS PETITION FOR HABEAS CORPUS**  
**AS TIME BARRED BY THE STATUTE OF LIMITATIONS**

Comes now the Respondent, by and through the Attorney General of the State of Oklahoma and respectfully asks that the instant Petition for Habeas Corpus be dismissed as it is untimely filed pursuant to 28 U.S.C. §2244(d). Respondent has filed a brief in support of this Motion which is being filed simultaneously herewith which more fully explains and supports Respondent's position.

Wherefore, for the reasons contained within Respondent's brief in support, Respondent respectfully requests that this Court dismiss the instant Petition as it is barred by the statute of limitations.

Respectfully submitted,

**E. SCOTT PRUITT**  
**ATTORNEY GENERAL OF OKLAHOMA**

**S/DIANE L. SLAYTON**  
**DIANE L. SLAYTON, OBA #11829**  
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**ATTORNEYS FOR RESPONDENT**

**CERTIFICATE OF SERVICE**

**X** I hereby certify that on August 20, 2012, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing.

**X** I hereby certify that on August 20, 2012, I served the attached document by mail on the following, who is not a registered participant of the ECF System.

Alphonzo Ray Smallwood, #434394  
DCC  
P.O. Box 220  
Hominy, OK 74035

**s/ DIANE L. SLAYTON**